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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/494,765	01/31/2000	Derrick Jason Birum	120073.420	3907

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[REDACTED] EXAMINER

KHATRI, ANIL

ART UNIT	PAPER NUMBER
2122	

DATE MAILED: 04/28/2003

(Signature)

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/494,765	BIRUM ET AL.	
	Examiner Anil Khatri	Art Unit 2122	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on 31 January 2000.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-25 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### **Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### **Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>8</u> | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Objections*

Claim 15 is objected to because of the following informalities: because its dependency is incorrect. Examiner interprets that it is dependent on claim 12. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-25 rejected under 35 U.S.C. 102(e) as being anticipated by *O'Brien et al* US Patent no. 6,311,327.

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

**Regarding claims 1, 3, 9, 12, 15, 19 and 21**

*O'Brien et al* teaches,

- a tag detection circuit coupled to an address bus of the target system to detect access of the predetermined memory location and generate response thereto a detection signal indicative of emission of tag by the target system (see abstract and summary of the invention column 3);
- a trace filter coupled to the tag detection circuit and the data bus of the target system to capture one of the tags in response to receiving the detection signal the trace filter having a decoder circuit to decode the tag type of the captured tag (see abstract, see figures 6 and 7, column 7, lines 14-46, "the executable code... target access probe 20, column 13, lines 65-67, column 14, lines 1-9); and
- a collection device coupled to the trace filter and structured to collect the tag data of collectable tags (see abstract and summary of the invention column 3).

**Regarding claims 2, 13 and 24**

*O'Brien et al* teaches,

- the trace filter is programmable to allow the filtering criteria to be programmed (column 13, lines 36-64, "when the probe... functions described above").

**Regarding claims 4, 5, 7, 16, 17, 20 and 22**

*O'Brien et al* teaches,

- a host processor coupled to the collection device to receive and process the tag data of collectable tags (see summary of the invention).

**Regarding claims 6, 10 and 23**

*O'Brien et al* teaches,

- a timestamp generator coupled to the tag buffer to append timestamp data to the tag data of collectable tags when stored in the buffer (see figures 5, 7 and 9, column 15, lines 56-67, "the data reduction... stack as well", column 21, lines 36-64, "a relative time stamp... time stamp fro each point in column 470").

**Regarding claims 8, 11, 14 and 25**

*O'Brien et al* teaches,

- the trace filter is adapted to implement a filter table for storing the filter criteria the filter table having a list of tag types and associated collection flags indicating that the respective tag type is collectable when set (column 23, lines 3-10, "programming language dependent...source code, column 8, clines 32-59, " the probe tip... by the host").

**Regarding claim 18**

*O'Brien et al* teaches,

- the processing means comprises a host processor (see figure 19 and column 6, lines 17- 54").

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Selwan et al USPN 5526025
- Rees et al USPN 6161200

- Delagi et al USPN 5655121
- Arnow USPN 6434738

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anil Khatri, Primary Examiner whose telephone number is 703-305-0282. The examiner can normally be reached on M-F 8:30-5:00 PM.

The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-5397 for regular communications and 703-308-1396 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

April 16, 2003



ANIL KHATRI  
PRIMARY EXAMINER